IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No. 1025 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE J.R.VORA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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M/S. R.P.MEHTA
Versus
THE STATE OF GUJARAT & ANR

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Appearance :
MR HR PRAJAPATI for Applicant
MR AY KOGJE APP for Respondent No.1
None for Respondent No.2

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CORAM : HONOURABLE MR.JUSTICE J.R.VORA

Date : 11/07/2006

ORAL JUDGMENT

1. Heard learned advocate Mr.H.R.Prajapati for the applicant and learned APP Mr.A.Y.Kogje for the respondent No.1 – State of Gujarat.

2. **RULE**. Learned APP Mr.A.Y.Kogje waives service of rule on behalf of the respondent No.1 – State of Gujarat. The matter is required to be heard finally today.

3. The short grievance which applicant has expressed is to hear and decide Criminal Appeal No.14 of 2004 pending before the District and Sessions Court, Surat filed under Section 6(C) of the Essential Commodities Act. It is submitted that the appeal was admitted, record and proceedings were called for and the same has been received by the District and Sessions Court, Surat. On account of receiving of record and proceedings, the matter was adjourned for certain period. The applicant submitted his written submission at Ex.15 on 18.08.2005 and list of authorities vide Ex.16. Learned advocate for the applicant submits that neither hearing of the appeal takes place nor application Ex.15

is attended. It is, therefore, prayed that the concerned Court be directed to decide Criminal Appeal No.14 of 2004, immediately.

4. In view of what is reflected above, this petition is disposed of directing the District & Sessions Court, Surat or the Court before whom the Criminal Appeal No.14 of 2004 might be pending that the said Criminal Appeal No.14 of 2004 shall be heard and decided till 31st August, 2006, in view of the grounds mentioned by the applicant in his application at Ex.15 as well as in this petition.

5. In view of the above, this petition is allowed to the above extent. Rule is made absolute. Direct service is permitted to the applicant which shall be served to the concerned Court, immediately.

[J. R. VORA,J.]

(vijay)